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10/527,297	03/03/2005	Charles E Wheatley	030180	7134

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QUALCOMM INCORPORATED
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EXAMINER

MILLS, DONALD L

ART UNIT	PAPER NUMBER
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2416

NOTIFICATION DATE	DELIVERY MODE
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12/26/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/527,297	Applicant(s) WHEATLEY, CHARLES E	
	Examiner DONALD L. MILLS	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 8, and 41 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 23, and 66 of U.S. Patent No. 2003/0220075 A1. Although the conflicting claims are not identical, they are not patentably distinct from each other because although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 is generic to all that is recited in claim 1 of the patent. In other words, claim 1 is anticipated by claim 1 of the patent.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8, 13, 15, 20-22, 26, 27, 41, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. (US 2003/0220075 A1), hereinafter referred to as Baker.

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived

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from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 8, and 41, Baker discloses a method and system for identifying and monitoring repeater traffic in a code division multiple access system, which comprises:

Receiving a signal at a wireless receiver, comparing a predetermined pattern to information derived from the received signal; and determining, based upon the predetermined pattern substantially matching the information derived from the received signal, that at least a portion of the received signal traveled via a repeater (Referring to Figures 2A and 2B, A signal transmission is transmitted from a remote station 126 to a repeater 120, where it is received, as shown in blocks 201 and 202. The signal is processed to include a discriminant having a signature associated with the repeater 120, as shown in block 204. The processed signal is then transmitted from the repeater 120 to a base station 104, as shown in block 206. The signal transmitted by the repeater 120 is then received by the base station 104 as shown in block 208. The received signal is then processed to identify transmissions that include the discriminant applied by the repeater 120, as shown in blocks 210 and 211. At any given time, the base station 104 may receive a plurality of signals, potentially from one or more remote stations disposed 112 within its coverage area, and/or one or more remote stations 126 in the coverage area 128 of the repeater 120. Each of the plurality of signals are examined to determine if they include the discriminant (as shown in block 211), and if so, are designated as being transmitted via a repeater 120. Since there are generally a plurality of base stations 104 and can be more than one repeater 120 associated with each base station 104, the discriminant added to the transmitted signal by each repeater 120 can include a particular signature to distinguish the transmission as

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having been processed by a particular repeater 120. In such case, the signature is examined and used to determine which repeater 120 the message was transmitted with. This can be accomplished, for example, by comparing the signature of the received signal with a database or list of information relating the signature to the repeater identification. The signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof, as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. See paragraph 0040.)

Regarding claim 13, Baker discloses *wherein the information derived from the received signal include time of arrival and relative signal strength for each of a multiplicity of signals from distinct signal sources* (Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof (composite signal), as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the

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identifying characteristics of the signal so that the specific repeater can be identified. The power of the signal is considered as well. See paragraphs 0040 and 0042.)

Regarding claims 15, 20-22, 26, 27, and 42, Baker discloses *receiving a signal at a wireless receiver; identifying a pattern within information derived from the received signal; and storing parameters that describe the identified pattern as a reference repeater signature within the database* (Referring to Figures 2A and 2B, A signal transmission is transmitted from a remote station 126 to a repeater 120, where it is received, as shown in blocks 201 and 202. The signal is processed to include a discriminant having a signature associated with the repeater 120, as shown in block 204. The processed signal is then transmitted from the repeater 120 to a base station 104, as shown in block 206. The signal transmitted by the repeater 120 is then received by the base station 104 as shown in block 208. The received signal is then processed to identify transmissions that include the discriminant applied by the repeater 120, as shown in blocks 210 and 211. Each of the plurality of signals are examined to determine if they include the discriminant (as shown in block 211), and if so, are designated as being transmitted via a repeater 120. Since there are generally a plurality of base stations 104 and can be more than one repeater 120 associated with each base station 104, the discriminant added to the transmitted signal by each repeater 120 can include a particular signature to distinguish the transmission as having been processed by a particular repeater 120. In such case, the signature is examined and used to determine which repeater 120 the message was transmitted with. This can be accomplished, for example, by comparing the signature of the received signal with a database or list of information relating the signature to the repeater identification. See paragraph 0040.)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-7, 9-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 2003/0220075 A1) in view of Simic et al. (US 6,961,367 B2), hereinafter referred to as Simic.

Regarding claims 2 and 12 as explained in the rejection statement of claims 1 and 8, Baker discloses all of the claim limitations of claims 1 and 8 (parent claim). Baker further discloses *wherein the predetermined pattern reflects a composite signal comprising a primary transmission signal mixed with a different secondary signal* (Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof (composite signal), as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. The power of the signal is considered as well. See paragraphs 0040 and 0042.)

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Baker does not disclose *wherein a base station transmits the signal*.

Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 3 as explained in the rejection statement of claim 1, Baker discloses all of the claim limitations of claim 1 (parent claim). Baker further discloses *wherein the different secondary signal is a signal obtained from a distinct transmitter* (Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof (composite signal), as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. See paragraph 0040.)

Baker does not disclose *wherein a base station transmits the signal*.

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Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 4 as explained in the rejection statement of claim 1, Baker discloses all of the claim limitations of claim 1 (parent claim). Baker further discloses *wherein the predetermined pattern reflects a relationship between time of arrival of signals obtained from distinct transmitters* (Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof (composite signal), as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. See paragraph 0040.)

Baker does not disclose *wherein a base station transmits the signal*.

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Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 5 as explained in the rejection statement of claim 1, Baker discloses all of the claim limitations of claim 1 (parent claim). Baker further discloses *wherein the predetermined pattern reflects relative strength of signals obtained from distinct transmitters* (Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof (composite signal), as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. The power of the signals is considered as well. See paragraph 0040 and 0042.)

Baker does not disclose *wherein a base station transmits the signal*.

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Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 6 as explained in the rejection statement of claim 1, Baker discloses all of the claim limitations of claim 1 (parent claim). Baker further discloses *wherein the predetermined pattern further reflects relative time of arrival of signals from a multiplicity of different transmitters* (Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof (composite signal), as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. See paragraph 0040.)

Baker does not disclose *wherein a base station transmits the signal*.

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Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 7 as explained in the rejection statement of claim 1, Baker discloses all of the claim limitations of claim 1 (parent claim).

Baker does not disclose *wherein the signals are pilot symbols transmitted synchronously from a plurality of different base stations of a cellular telephone system.*

Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 9 as explained in the rejection statement of claim 8, Baker discloses all of the claim limitations of claim 8 (parent claim). Baker further discloses *wherein the derived*

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information reflects a relative time of arrival of distinct sequences with in the received signal

(Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof (composite signal), as further set forth below.

If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. See paragraph 0040.)

Baker does not disclose *arrival of distinct pilot sequences*.

Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 10 as explained in the rejection statement of claim 8, Baker discloses all of the claim limitations of claim 8 (parent claim). Baker further discloses *wherein the derived information reflects relative signal strength of distinct sequences within the received signal* (Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of

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the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the repeater), or any combination thereof (composite signal), as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. The sum of the power of the signals may be considered as well. See paragraph 0040 and 0042.)

Baker does not disclose *arrival of distinct pilot sequences*.

Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 11 as explained in the rejection statement of claim 8, Baker discloses all of the claim limitations of claim 8 (parent claim). Baker further discloses *the derived information reflects a relative time of arrival of the distinct pilot sequences* (Referring to Figures 2A and 2B, the signature can comprise a frequency (e.g. the frequency of the discriminant identifies the repeater) a time component (e.g. the timing of the discriminant identifies the

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repeater), or any combination thereof (composite signal), as further set forth below. If the received signal transmission includes a discriminant, it is designated as having been transmitted via a repeater, as shown in block 212. Such messages may be examined to identify the signature, as shown in block 213. Messaging may be generated to report the signature, along with the call instance that it is associated with, as well as the identifying characteristics of the signal so that the specific repeater can be identified. See paragraph 0040.)

Baker does not disclose *arrival of distinct pilot sequences from base stations*.

Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations (See column 7, lines 31-57 and column 9, lines 36-67.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Regarding claim 14 as explained in the rejection statement of claim 8, Baker discloses all of the claim limitations of claim 8 (parent claim).

Baker does not disclose *wherein the receiver is a GPS-enabled cellular telephone handset configured to process CDMA signals, the multiplicity of signals include pilot signals from different CDMA base station transmitters, and the relative signal strength is related to chip energy divided by total signal*.

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Simic discloses forward link repeater frequency watermarking scheme, which utilizes pilot signals, as generated in CDMA, from base stations and measured by mobile stations, which are capable of employing GPS (See column 7, lines 31-57 and column 9, lines 36-67 and Abstract.)

It would have been obvious to one of ordinary skill in the art to implement the forward link repeater frequency watermarking scheme of Simic in the system of Baker. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to monitor forward link signals from a repeater that are indistinguishable from those forward link signals received directly from a base station, as taught by Baker (See paragraph 0008.)

Allowable Subject Matter

7. Claims 16-19 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONALD L. MILLS whose telephone number is (571)272-3094. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Mills/
Examiner, Art Unit 2416
December 22, 2008